

Amendment IV

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Supreme Court prescribes a two-step inquiry, which considers: (1) whether the defendant violated a constitutional right; and (2) whether that right was clearly established. For qualified immunity to be granted, the officer must meet both tests.

In addressing whether Riddle violated Modrell's constitutional rights the court started by providing that the Fourth Amendment guarantees the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." A central tenet of Fourth Amendment law is that warrantless government intrusions into a private dwelling are presumptively unreasonable, subject only to certain carefully delineated exceptions. One such exception exists when "the exigencies of the situation make the needs of law enforcement so compelling that the warrantless search is objectively reasonable." The Supreme Court has identified a limited number of cases where warrantless searches or seizures may be justified by exigent circumstances (such as assistance to persons seriously injured or threatened with serious injury; fire on premises; protecting officer safety, imminent destruction of vital evidence and imminent risk of flight). Deputy Riddle contended that exigent circumstances justified his entry into Modrell's residence in order to ensure officer safety and prevent the destruction of evidence. However, the court notes "it is Riddle's burden to prove that such exigent circumstances were present."

Deputy Riddle argued that securing the entire residence at 256 Nickell Heights was

necessary to prevent anyone from shooting at the officers from inside the house. The Supreme Court has long recognized that "the need to protect or preserve life or avoid serious injury" is an exigent circumstance justifying searches or seizures that would otherwise be unconstitutional without a warrant.

In an appeal, the district court concluded that exigent circumstances justified the warrantless entry. However, the Sixth Circuit Court stated: When Riddle made his warrantless entry, Richard Modrell and his girlfriend were detained in the basement under police supervision and Richard Modrell's firearm was secured. Furthermore, although the informant's description of 256 Nickell Heights and its occupants were legitimate grounds for concern, Riddle did not see anyone with a weapon at any time. In fact, while Riddle's interactions with the Modrells may not have been outright friendly, they remained courteous throughout the incident. Without a doubt, Modrell was not happy to have the police in his house: he repeatedly denied Riddle permission to enter, questioned the legality of Riddle's actions and tried to reach his attorney by telephone. However, Modrell made no threats, direct or indirect, against Riddle or his fellow officers. Riddle has failed to show that there was an objectively reasonable risk that justified seizing the entire residence.

Deputy Riddle also argued that entering 256 Nickell Heights without a warrant was necessary to prevent relevant evidence from being destroyed. Exigent circumstances may arise when the inevitable delay involved in >>